1949. File No. S. Bij 4/49

Legal Department

A BRANCH

Examined

Subject:— Suits Bijapur

Civil Suit No. 68 of 1949.

Panchappa Revappa Umarji — Plff

Vs.

The Province of Bombay — Deft.

For a declaration of the Plff's title to open sites situated in the village Chikdevanur, Talukq-Indi dist. Bijapur and for consequential injunction

P. 18-E

File No. S. Bijapur 4/49

S. Bij 4/49

Gen.:36—26 2—1, 1,000—6-50—ct.

CONTENTS.

Legal Department File No. S. Bij. 4/49.

Sr. No.	Compilation No.	Subject	Pages.
		Suits Bijapur.	
		C.S.No. 68/1949.	
		P.R. Umarji — plff.	
		V/s.	
		The Province of Bombay.	
		For a declaration of the plff's title to open sites.	
1)	Printed G.R.L.D. 8875 5th August 1949	Sanctioning the defence of the suit.	
2)	G.K.L.D. 11001 3rd August 1950	Recording the result of the suit.	

17

Information under Rule 118 of the Law Officers Rules.

.....

1(i) The number of the suit.	C.S. No. 68 of 1949.
(ii) The date on which and the Court in which it was instituted.	The Civil Judge, Senior Dn., Bijapur. Date is not mentioned.
(iii) The names of all the parties.	Mr. Panchappa Revappa Umarji of Chik-bevanur. Vs. The Province of Bombay.
(iv) The amount or value of the claim.	From the sale deeds it comes to Rs. 6Ø/- and also court fee stamps and Pleader's fee.
(v) The date fixed by the Court for the first hearing.	23-3-1949.
(vi) Whether notice of the action has been given under Sec. 80 of the Civil Procedure Code and if so the date of delivery of such notice.	Yes. The notices required under Section 80 of the Civil Procedure Code has been issued to the Secretary to the Provincial Govt. and to the Collector of Bijapur. The date not mentioned (P. 255)
2. The following papers shall be sent along with the reports.	
(a) A copy of the plaint in the regional language together with copies of any documents or list of documents annexed to the plaint.	The Plaintiff has given a plaint in English, but not in regional language. It is at pages 251 and 253.
(b) Translation of the same in English typed in half margin, the more important of the statements therein being distinctly marked with letters (a) and (b) etc. and notes being added in the margin stating whether such tements are correct and if not, what respect they are inaccurate en the required explanation cannot be thus compressed, reference should be made to the paragraph of the accompanying statement in which the matter should be fully discussed.)	The copies of the two sale deeds translated in English are enclosed herewith.
3(i) A full and detailed statement of the circumstances which led to the suit.	The plaintiff claimed that the site shown in red colour at page 161 of file I belonged to him and not the encroachment on Govt. land. ThePrant Officer thereupon held enquiry under Section 37(2) L.R.C. and decided that the property vested in Govt. (Pl. vide pages 205 and 207). Then he went in appeal to the Collector who also held that the site is the property of Govt. (Pl. vide page 239).
(ii) Of the course which it is proposed to adopt viz. whether to admit, compromise or defend the suit and of the reasons for the same; and	The suit may be defended on the strength of the P.O's order of 6-12-47 and the Collector's order of 26-10-48 (Vide P.205 and 207 and 239).

3 1.

(iii) If it is proposed to defend the suit, of the ground on which it is proposed to base the defence and of the evidence to be adduced.

(d) If the case turns on documentary evidence (or the originals) relied on by the plaintiff (if procurable) and by the defence.

The copies of the sale deeds are relied on by the plaintiff and by the defence are enclosed at pages 177 and 179 of the case papers.

(e) All the correspondences and written proceedings whether in English or in any regional language connected with the subject matter of the suit together with translation in English or all important papers which are in the regional language.

There are no important papers except two sale deeds.

(f) A statement in English containing a bried description of all the documents referred to in clauses (d) & (e) above which are in the regional languages.

Plaintiff has produced sale-deeds 'A' and 'B' to prove his ownership on the sites in question. But from their boundary descriptions and measurements they do not relate to the plots in question as expressed in P.O's order enclosed at pages 205 and 207.

2-6-1949.

for Collector, Bijapur.

Special Civil Suit No. of 194

In the Court of the Civil Judge, Senior Division, at Bijapur.

.....

5 M

1. Panchappa Revappa Umarji, Caste Lingayat, age 60 occupation agriculture of Chik-bevanur, Taluka Indi, Dist. Bijapur, ----- Plaintiff.

Vs.

1. The Province of Bombay. ---- Defendant.

Claim Rs. 5/-

.....

Herein the abovemamed plaintiff begs to submit :-

(1) This is a suit by the plaintiff for a declaration of his title as owner of the two open sites together with the buildings constructed thereon, as described in para 2 below and in consequence for a permanent injunction to the - defendant not to interefere with the - ssession and enjoyment of the property scribed in para 2 below togethker with ...e costs of the suit and other - consequential relief.

(2) The two open spaces together with the buildings thereon situate in the village Chik-Bevanur, Tal. Indi, Dist. Bijapur are surrounded as under :-

(A) The open site with one room to the east end and a time shed. East-West 25 cubits, North-South 14 cubits;

To the East :- Prabhu Basappa Bargudi's house (Formerly Sidlingappa Kukadi and Ningappa Irappa Koshti's hourse).

To the West : House of Dharmaraya Biradar (Formerly the road and beyond this road Siddawa kom Basgonda Biradar and Sangawax kom Adappa Biradar's houses).

To the North. Road and the house of Khajesa Abdulsa (formerly road and beyond that road house of Vithal Kashipati).

To the south : Plaintiff's another site and building in (B) (formerly Nagawa kom Sangappa Mirji's house.)

(B) Another open site with a room to the west. East-west 32 cubits and north-south 14 cubits (The alleged encroached area - 21' x 17').

To the East : Oppn site (Formerly Ningappa's site).

To the West : Satawa kom Chanbasappa Wali's house (Formerly Chanbasappa Gourappa Wali's house).

II(A). The site in question i.e. the encroached site measures 17'-6" x 21'. But the site referred to by the plaintiff is quite different measuring 37'-6" x 21'. Similarly the site referred to in para 2 B of the plaint is also different as it can be seen from the sketch at page 161 and the order of the Dist. Dy. Collector, Bijapur Dn. wherein the Prant Officer has clearly mentioned that it is altogether a different house of Mr. Panchappa. Hence the contention of the plaintiff that the encroached site comprised in the site referred to by him is not tenable.

This point can be supported by the order of the A.C.N.D. passed on 26-6-1934 and also from the Kabulayat xx form enclosed at page 117.

To the South : Road.

To the North : Pliff's site described in (A) above.

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This property belongs to the Plif and it is in his possession since a very long time and he is enjoying the same peacefully even by constructing buildings.

(3) The Plaintiff and his ancestors purchased the two ~~evidenced by sale~~ sites ~~by~~ mentioned in para 2 above and the two purchases are evidenced by sale deeds dated 15-1-1873 and 8-10-1899. Since the dates of these respective purchases, the plaintiff and his family members are in actual possession and enjoyment of the suit sites. The village Officers who are on inimical terms with the Plff. started proceedings under Sec. 37 of the Bombay Land Revenue Code contending interalia that the site described ra 2 (A) and part of the site ... B) were encroachments on Govt. site and that the ownership of the two sites vested in Govt.

The sites purchased by the ancestors of the plaintiff in the year 1873 and 1899 are quite different as the boundaries of the house and the sites do not altogether tally with those of the site in dispute. From the papers it is seen that the palintiff has not been able to prove that the Village Officers are on inimical terms with him.

(4) The plaintiff is the owner of the suit property by virtue of the two sale deeds referred to in para 3 above. The plaintiff and his ancestors are in possession of the suit properties peacefully and without any obstruction for the last more than 60 years and hence plaintiff has also become the owner of the suit property even by adverse possession. So, the ownership of the plaintiff, both by documentary evidence and also by adverse - possession is clearly established.

The two documents described in para 3 above, are in respect of different sites. They do not relate to the site in dispute in any way. So he cannot claim title over the site on the strength of these documents.

(5) The Dist. Dy. Collector, Bijapur Division, Bijapur started an enquiry under Section 37 of the Bombay Land Revenue Code. He held a summary and a perfunctory enquiry and held that the part of the suit sites in question vested in the Crown and that the plaintiff should be summarily evicted from the sites, by an order dated 6-12-1947.

In view of the facts described in the above paras, the Dist. Dy. Collector's order is just and lega

(6) The Plaintiff has preferred an appeal against the order of the Dist. Dy. Collector referred to in para 5 above, to the Collector of Bijapur and the appeal is dismissed on 26-10-48. As the period of one year from the date of the order passed by the Dist. Dy. Collector is soon to expire, the plaintiff has given the necessary notice under section 80 of the Code of Civil Procedure.

(7) By virtue of the order passed by the Dist. Dy. Collector, the officers of the defendant are denying the title of the plaintiff to the suit property and are threatening to disturb his peaceful -

possession and to evict him. Hence this suit by the plaintiff for the declaration of his title and for a permanent injunction to be issued to the defendant not to obstruct - the plaintiff in his peaceful possession and enjoyment of the suit site together with the buildings thereon.

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(8) The cause of action for this suit arose on 6-12-1947, and 26-10-48 when the Dist. Dy. Collector and Collector passed the orders referred to in paras 5 and 6 above and also in the month of August 1948 when the defendant's officers threatened to disturb the possession of the plaintiff by evicting him from the suit property.

(9) As the suit property is situate within the jurisdiction of this Court and as the cause of action has arisen in the jurisdiction of this Court, this court has jurisdiction to try this suit.

(10) As this suit is for declaration of title and ownership of the suit property with a consequental relief for permanent injunction, court-fee of Rs. 5/- with a surcharge of Rs. 1-4-0 i.e. Rs. 6-4-0 in all is paid. For the purposes of - junisdiction of the Court and the - Pleader's fees, the value of the suit property is Rs. 65/- being the price mentioned in the two sale deeds.

(11) The plaintiff has given the necessary notice both to the Secretary to the Provincial Govt. of Bombay and also to the Collector of Bijapur of the intended suit as required by Section 80 of the Civil Procedue Code.

(12) The plaintiff hereby prays :-

(a) That it be declared that the laintiff is the owner of the suit roperty described in para 2 of the laint, both by virtue of the sale eeds and also by adverse possession ;

In view of the facts, stated in paras II to V above the property in dispute - clearly vests in Govt. Hence the plaintiff is not entitled to possession and the cost of the suit claimed by him.

(b) That in consequence, a permanent injunction be issued to the defendant not to interfere with the possession and enjoyment of the suit property by the plaintiff :

(c) That the plaintiff be awarded his costs of the suit from the defendant ; and

(d) That such other relief as the Court deems fit be awarded to the plaintiff.

A decree in terms of the above prayers may kindly be passed.

Bijapur,
Dated.

Sd. Plaintiff.
Sdxxx

I, Panchappa Revappa Umarji, the plaintiff above-named do hereby - on solemn affirmation that what is contained in paras 1 to 12 of the above plaint is true to the best of my personal knowledge, information and belief.

Bijapur,
date.

Sd. x x x
Plaintiff.

Sd. J.R.Desai,
Pleader for Plff.

2-6-1949.

for Collector, Bijapur.

RLA

Legal Department.

V
13

Civil Suit No. 68 of 1949.
Panchappa Revappa Umarji of Chik-bevanur, Tal.Indi,Dist. Bijapur, vs. The Province of Bombay.

This is a simple encroachment suit. It may be defended on the lines of accompanying brief.

RLA
25-7-49

RLA
25/7
Secy R&D. 25.7.49

26 JUL 1949
A

RECD ... LEGAL DEPARTMENT
on 25.7.49.B

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IN THE COURT OF THE CIVIL JUDGE,
SENIOR DIVISION.
at
BIJAPUR.

Civil Suit No.68of 1949.

Panchappa Revappa Umarji, Lingayat, age 60, occupation Agriculture of Chik-bevanur,Tal.Indi. Dist. Bijapur.		Plaintiff.
Vs.		
The Province.of Bombay.		Defendant.

Following is the written statement on behalf of the Province of Bombay.

1. The plaintiff's alleged title to the sites mentioned in paragraph 2 of the plaint is denied.

2. The averments in paragraph 3 of the plaint are not admitted. The two sale deeds of 1873 and 1899 relied on by the plaintiff do not establish the plaintiff's title to the suit property.

3. The plaintiff's allegations in paragraphs 4 and 5 are also denied. The plaintiff is not the owner of the suit property, nor has he acquired any title thereto by adverse possession as alleged.

4. The suit sites are Government property in the Gavthan of the village of Chik-bevanur. The order of the District Deputy Collector and confirmed in appeal by the Collector is correct and binding on the plaintiff.

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2 3

5. The plaintiff is not entitled to any relief and it is, therefore, submitted that the suit fails and must be dismissed.

District Government Pleader,
Bijapur.

I, , District Government Pleader, , do hereby declare that what is stated in paragraphs 1 to 5 above is true according to the information received and believed to be true. This varification is made at on the day of 19

District Government Pleader,
Bijapur.

Civil Suit No.68 of 1949.
Ex.No. 11.

19 27

Issues.

1. Whether the plaintiff proves his title to the suit property ?

2. If the issue is answered in the negative, whether the plaintiff has acquired a little by adverse possession ?

3. Whether the plaintiff was in possession at the date of suit ?

4. Whether the order passed by the Revenue Authorities is valid and binding on the plaintiff ?

5. Whether the plaintiff is entitled to the declaration and injunction sought ?

6. What order ?

No further issue is sought.

Sd.

September 5,1949. Civil Judge Sr.Dn.

" True Copy "

Dist. Govt. Pleader, Bijapur.

Suits.

Bijapur.

For a declaration of the plaintiff's title to open sites situated in the village Chikbevanur, taluka Indi, district Bijapur and for consequential injunction.

GOVERNMENT OF BOMBAY.

LEGAL DEPARTMENT.

Resolution No. 8875.

Bombay Castle, 5th August 1949.

Letter from the Collector of Bijapur, No. L.A.W. 188, dated the 6th June 1949—Forwarding the papers in the suit noted in the margin and requesting sanction to its defence.

IN THE COURT OF THE CIVIL JUDGE (SENIOR DIVISION), BIJAPUR.

Civil Suit No. 68 of 1949.

Panchappa Revappa Umarji ... ... Plaintiff;

versus

The Province of Bombay ... ... Defendant.

Memorandum to the District Government Pleader, Bijapur, No. 8560, dated the 29th July 1949—Forwarding a copy of the brief with its accompaniments in advance.

RESOLUTION.—Sanction is accorded to the defence of the suit on the lines of the accompanying brief.

By order of the Governor of Bombay,

P. M. LAD,
Secretary to Government.

[P.T.O.

*The Revenue Department,
*The Collector of Bijapur,
The District Government Pleader, Bijapur (with 2 copies of the brief).

*With a copy of the brief.

No. of 1949.

Copy forwarded for information and guidance to

Submitted after issue
Filed in S. Bijapur 149 Civil
15-12-49
SA
15/12

BIJAPUR CIVIL SUIT No. 68 OF 1949.

Panchappa Revappa Umarji *v.* The Province o Bombay.

Chronological Statement of Facts.

The suit is for a declaration of the plaintiff's title to open sites situated in the village Chikbevanur, taluka Indi, district Bijapur and for a permanent injunction restraining Government from interfering with the plaintiff's possession and enjoyment of the same. The sites in dispute are shaded "red" in the sketch, dated the 15th August 1944.

(File page 161).

2. On 15th August 1944, the Mamlatdar of Indi reported to the Prant Officer that the plaintiff had encroached upon Government site in the Gavthan of the Village of Chikbevanur. The District Deputy Collector held an inquiry under section 37, sub-section (2) of the Bombay Land Revenue Code, and by his order No. L.N.D. 49, dated 6th December 1947, he declared that the site in question vested in Government and ordered that the encroacher should be summarily evicted. On 9th August 1948, the plaintiff preferred an appeal to the Collector of Bijapur but the appeal was dismissed by the Collector's Order No. L.N.D.-AP. 33, dated 26th October 1948.

(File page 163).

(File page 205).

(File page 239).

In December 1948, the plaintiff gave notice of suit under section 80 of the Civil Procedure Code and thereafter he filed the present suit in the Court of the Civil Judge, Senior Division, Bijapur.

Grounds of Defence.

The plaintiff's allegations regarding his title to the suit sites should be denied and he should be put to strict proof thereof. The burden of proving the title will be upon the plaintiff under sections 101 and 102 of the Indian Evidence Act. For support of his title the plaintiff seems to rely upon two sale-deeds, dated respectively 15th January 1873 and 8th October 1899. Both of these documents have been considered carefully by the District Deputy Collector in his order, dated the 6th December 1947, and he has shown after carefully considering the recital of boundaries that neither of these documents proved that the encroached area belonged to the plaintiff. The District Deputy Collector has made a personal inspection of the site and from local inquiry he was satisfied that the site belongs to Government. That order is correct and binding upon the plaintiff and the Court will be guided by it unless it is proved to be wrong.

The plaintiff might also try to establish his title by adverse possession. Such a claim should be denied. In order to claim title by adverse possession it should be shown that the possession of the plaintiff was for the full statutory period of sixty years against Government and that it was adequate in continuity, publicity and extent. (See articles 144 and 149 of the Limitation Act and the cases cited thereunder).

It is admitted that the suit sites are open lands in the Gavthan of the village in respect of which there is always a presumption of title in Government's favour under section 37, sub-section 1 of the Land Revenue Code. The plaintiff's claim on the basis of adverse possession, if any, should therefore be denied.

Legal Department.

21-5-37

Submitted.

Re: Bijapur Civil Suit No.68 of 1949.

Please see letter from the Collector of Bijapur at p.1 ante.

The plaintiff has put in a compromise application and has requested that the sites in dispute be granted to him on payment of occupancy price and rent as he has built thereon, permanent structures. He is prepared to pay all costs of Government in this case.

The District Government Pleader and the Collector recommend that the request may be granted and the suit compromised.

R.D. however suggests that the Chappar projecting into the Road should not be grante and that compromise should be made if the plaintiff is willing to vacate the same.

The District Govt. Pleader may be requested to ask the plaintiff whether he is willing to compromise the suit on this additional condition.

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RLA 27/5

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Civil Suit No. 68 of 1949.

In the Court of the Civil Judge, Senior Division,

At Bijapur.

Panchappa Revappa Umarji, ca: Lingayat, age 60, Occupation agriculture of Chik Bevanur taluka Indi, District Bijapur. ... plaintiff.

Vs.

The Province of Bombay. ... defendant.

Claim Rs. 5/-

Herein the abovenamed plaintiff begs to submit as under:-

1. This is a suit by the plaintiff for a declaration of his title as owner of the two open sites together with the buildings constructed thereon, as described in para 2 below and in consequence for a permanent injunction to the defendant not to interfere with the possession and enjoyment of the property described in para 2 below together with the costs of the suit and other consequential reliefs.

2. The two open spaces together with the buildings thereon situate in the village of Chik Bevanur, taluka Indi, District Bijapur are surrounded as under:-

(A) Open site with one room to the east and and a tin shed. East-west 25 cubits, north-south 14 cubits;

To the East:- Prabhu Basappa Bargudi's house (Formerly Sidlingappa Kukadi and Ningappa Irappa Kasht house).

To the West: House of Dharmaraya Biradar (formerly the road and beyond this road Siddawa kom Basgonda Biradar and Sangawa kom Adappa Biradar's house.

To the north: Road and the house of Khajesa Abdulsa (formerly road and beyond that road house Vithal Kashipati).

another site and building described in (b)(formerly Natawa kom Sangappa Mirji's house).

(B). Another open site with a room to the west. East west 32 cubits and north-south 14 cubits(The alleged encroached area 21 ' X 17'.

To the East: Open site(formerly Ningappa's site).

To the West:- Satawa kom Chanabasappa Wali's house (Formerly Chanbasappa Gurappa Wali's house).

To the south: Road.

To the north: Plaintiff's site described in (a) above.

This property belongs to the plaintiff and it is in his possession since a very long time and he is enjoying the same peacefully even by constructing buildings.

(2). The plaintiff and his ancestors purchased the two sites mentinned in para 2 above and the two purchases are evidenced by sale deeds dated 15-1-1873 and 8-10-1899. Since the dates of these respective purchases, the plaintif and his family members are in actual possession and enjoyme of the suit sites. The village officers who are on inimical terms with the plaintiff started proceedings under section of the Bombay Land Revenue Code contending interalia that the site described in para 2(A) and part of the site in 2(B) were encroachments on Government site and that the ownership of the two sites vested in Government.

(4). The plaintiff is the owner of the suit proper by virtue of the two sale deeds referred to in para 3 above. The plaintiff and his ancestors are in possession of the suit properties peacefully and without any obstruction for the last more than 60 years and hence plaintiff has also become the owner of the suit property even by adverse possession. So, the ownership of the plaintiff, both by documentary evidence and also by adverse possession, is clearly established.

(5). The District Deputy Collector, Bijapur Division Bijapur started an enquiry under section 37 of the Bombay Land Revenue Code. He held a summary and perfunctory enquiry and hence that part of the suit sites in question vested in the Crown and that the plaintiff should be summarily evicted from the sites, by an order dated 6-12-1947.

(6). The plaintiff has preferred an appeal against the order of the District Deputy Collector referred to in para 5 above, to the Collector of Bijapur and appeal is dismissed on 26-10-1948. As the period of one year from the date of the order passed by the District Deputy Collector is soon to expire, the plaintiff has given the necessary notice under section 80 of the Code of Civil Procedure.

(7). By virtue of the order passed by the District Deputy Collector, the officers of the defendant are denying the title of the plaintiff to the suit property and are thrdatening to disturb his peaceful possession and to evict him. Hence this suit by the plaintiff for a declaration of his title and for a permanent injunction to be issued to the defendant not to obstruct theplaintif in his peaceful possession and enjoyment of the suit site together with the buildings thereon.

(8). The cause of action for this suit arose on 6-12-1947 and 26-10-1948 when the District Deputy Collect and Collector passed the orders referred to in para 5 abc and also in the month of August 1948 when the defendant's officers threatened to disturb the possession of the plaintiff by evicting him from the suit property.

(9). As the suit property is situate within the jurisdiction of this Court and as the cause of action ha arisen in the jurisdiction of this Court, this Court has jurisdiction to try this suit.

(10). As thissuit is for declaration of title and ownership of the suit property, with a consequential relief for permanent injunction court-fee of Rs.50/- with surcharge of Rs. ~~1x0x~~ 1-4-0 i.e. Rs. 6-4-0 in all is paid. For the purposes of jurisdiction of the Court and the pleader's fees, the value of the suit property is Rs.65/-, being the price mentioned in the two sale deeds.

(11). The plaintiff has given the necessary notice bo to the Secretary to the Provincial Government of Bombay and also to the Collector of Bijapur of the intended suit as required by section 80 of the Code of Civil Procedure.

12). The plaintiff hereby prays:-

a). that it be declared that the plaintiff is the wner of the suit property described in para 2 of the laint, both by virtue of the sale deeds and also by dverse possession.

b) that in consequer ssued to the defendant not to interfere with the possession nd enjoyment of the suit property by the plaintiff;

c) that the plaintiff be awarded his costs of the uit from the defendant; and

d). that such other reliefs as the Court deems fit e awarded to the plaintiff.

The suit coming before Shri A.C.Sequeira Civil udge, Senior Division, this day 30th June 1950 in the resence of Shri J.R.Desai forthe plaintiff and Shri K.R.Ra overnment Pleader for the defendant, it is hereby decreed nd ordered as per compromise application Ex.16.

The plaintiff admits that the defendant is the wner of the suit sites A and B mentioned in para 2 of the laint~~iff~~.

The the plaintiff should pay ~~the~~ to defendant t

occupancy price to be fixed by the Mamlatdar of Indi. After the payment of the said price and the costs of this suit, the plaintiff becomes the owner of the said suit sites.

3. That the plaintiff undertakes not to put up any Chhappar projecting into the road. The Chhappar that was put up by the plaintiff has already been removed by the Revenue authorities. If any part of the Chhappar still remains to be removed the plaintiff will under-take to remove it at once. The defendant has got the right to remove the Chhappar if the plaintiff fails to remove or put the Chhappar ~~xx~~ projecting into the road.

4. Plaintiff shall pay the costx of defendant and bear his ~~xxx~~ own.

Bill of costs

Plaintiff.		Defendant.	
1. Stamp to the plaint.	6-4-0	1. Vakalat.	0-10-0
2. " Vakalat.	0-10-0	2. Pleader's fees.	15-0-0.
3. Stamps to the appli-cations Exs. 12 to 15.	2-8-0	3. Stamps for applications Exs. 6,7& 8.	1-14-0.
4. Pleader's fees.	15-0-0.		
5. Process fees.	2-0-0.		
	26-6-0.		18-4-0
Stamps for the applications deduct-ed.	2-8-0.	Stamps to the appli-cations deduct-ed.	1-14-0
Balance.	23-14-0.	Balance.	15-00-0.

Given under my hand and seal of the Court this 30th June 1950.

Sd. S.H.Desai.
Clerk.

Sd. A.C.Sequeira.
Civil Judge, Sr.Dn.
19-7-1950.

" True Copy "

Dist. Govt.Pleader, Bijapur.

japur
a declaration of the plaintiff
title to open sites situated in
the village Chikbevanur, taluka
Indi, district Bijapur and for
consequential injunction.

GOVERNMENT OF BOMBAY,
Legal Department,
Resolution No., 1100
Bombay Castle, 30 August 1950.

Government Resolution, Legal Department No.8875 dated 5th August 1949.

Letter from the District Government Pleader, Bijapur —

No. 343, dated the 9th June 1950,

forwarding a draft of the compromise application in the suit noted in the margin and requesting instructions thereon.

In The Court of The Civil Judge (Senior Division), Bijapur Civil Suit No.68 of 1949 Panchappa Revappa Umarji-Plaintiff Vs. The Province of Bombay-Defendant	Memorandum to the District Governm Pleader Bijapur, No.8465 dated 21st

June 1950 stating that the draft of the compromise applicat was approved.

Endorsement from the District Government Pleader Bijapur No. 474 dated 22nd July 1950 forwarding an uncertified copy of the decree and a copy of the compromise application.

RESOLUTION:- The result of the suit is recorded

By order of the Governor of Bombay

Issued on 3/8/

original

R. M. Mehta,
Assistant Secretary to Government

Revenue Department
e-Collector of Bijap

P.n.R.
1/8

In the Court of the Civil Judge, Senior Division, Bijapur

At Bijapur. Exhibit No. 16.

Civil Suit No.68of 1949.

33

1. Panchappa Revappa Umarji. plff.

Vs.

1. The State of Bombay. deft.

The Plaintiff and the defendant have entered into a compromise as hereunder:-

(1). The plaintiff admits that the defendant is the owner of the suit sites A and B mentioned in paras 2 of the plaint.

(2). That the plaintiff should pay to defendant the occupancy price to be fixed by the Mamlatdar of Indi. After the payment of thesaid price and the costs of this suit, the plaintiff becomes the owner of the said suit sites.

(3). That the plaintiff undertakes not to put up any Chhappar projecting into the road. The Chhappar that was put up by theplaintiff has already been removed by the Revenue authorities. If any part of the Chhappar still remains to be removed the plaintiff will under take to remove it at once. The defendant has got the right to remove the Chhappar if the plaintiff fails to remove or put the Chhappar projecting into the road.

(4). Plaintiff shall pay the cost of defendant and bear his own.

It is therefore prayed that a decree in terms of the compromise application be passed.

Sd. K.R.Rao.

Sd/- x x x
Plaintiff. District Government Pleader,
30-6-1950. Bijapur.

Sd. J.R.Desai.
Pleader for plaintiff.

Order.
To be recorded.

Sd. A.C.Sequeira.
30-6-1950. Civil Judge, Sr.Dn.

" True Copy "

District Govt.Pleader, Bijapur.